

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JAVIER ESPINOZA RODRIGUEZ,
Petitioner,
v.
JOHN C. MARSHALL, Warden,
Respondent.

Civil No. 08cv1007 H (CAB)

**ORDER SETTING BRIEFING SCHEDULE
FOR MOTION TO DISMISS
[Doc. No. 8.]**

Javier Espinoza Rodriguez, a state prisoner proceeding *pro se*, has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. On September 3, 2008, Respondent moved to dismiss the Petition as untimely. Petitioner shall file his opposition, if any, to the motion no later than **September 24, 2008**. At the time the opposition is filed, Petitioner shall lodge with the Court any records not lodged by Respondent which Petitioner believes may be relevant to the Court's determination of the motion. Unless the Court orders otherwise, Respondent shall not file a reply to Petitioner's opposition to the motion to dismiss. If the motion is denied, the Court will afford Respondent adequate time to respond to Petitioner's claims on the merits.

IT IS SO ORDERED.

DATED: September 4, 2008


CATHY ANN BENCIVENGO
United States Magistrate Judge